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12 Attorneys for Plaintiff

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15 **UNITED STATES DISTRICT COURT**
16
17 **DISTRICT OF NEVADA**
18

19 DR. RUSSELL GORDON TILLEY MILLAR,
20 TRUSTEE OF THE R.G.T. MILLAR TRUST
21 dated 6-28-1988

22 Plaintiff,
23 vs.

24 CROSS FLS, LLC, a Texas limited liability
25 company,

26 Defendant.
27
28

Case No.: 2:11-cv-00669-RLH-PAL

**NOTICE OF CONSTITUTIONAL
QUESTION RE NRS § 645B.340**

29 Comes now Plaintiff Dr. Russell Gordon Tilley Millar, Trustee of the R.G.T. Millar
30 Trust dated 6-28-1988 ("Plaintiff"), by and through the undersigned attorneys, and
31 pursuant to Rule 5.1 of the Federal Rules of Civil Procedure hereby files this notice that
32 Plaintiff has filed a complaint in the above-referenced Court challenging the

1 constitutionality of Nevada Revised Statute § 645B.340.

2 The Constitutional question is whether or not this statute is constitutional under
3 the Federal Equal Protection Clause and the Due Process Clause of the Fourteenth
4 Amendment to the United States Constitution, both facially and as applied; Article IV,
5 Section 1 of the Constitution of the State of Nevada, both facially and as applied; the
6 Due Process Clause of the Fifth Amendment to the United States Constitution and
7 Article 1, Section 8(5) of the Constitution of the State of Nevada, both facially and as
8 applied; and the Takings Clause (Article I, Section 10, Clause 1) of the United States
9 Constitution, both facially and as applied.
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12 Dated this 9th day of May, 2011.
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15 Respectfully submitted,

16 /s/ Jason G. Landess
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